

#4
only
6/1/00

ICOM-00600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Carl P. Daniel)
Serial No.: 09/436,432)
Filed: November 8, 1999)
For: **SYSTEM FOR TRANSMITTING**)
VIDEO IMAGES OVER A)
COMPUTER NETWORK TO A)
REMOTE RECEIVER)

)

**REQUEST FOR REFUND (IMPROPER
CHARGE OF DEPOSIT ACCOUNT)**

260 Sheridan Avenue, Suite 420
Palo Alto, CA 94306
(650) 833-0160

Attn: **Refund Section, Accounting Division**
Office of Finance
Washington, D.C. 20231

Sir or Madam:

This is a request for a refund, with respect to the charge to Deposit Account 08-1275, shown on the attached statement dated November 30, 1999 for the above-identified patent application.

A Small Entity Declaration was filed "unexecuted" with the application on November 8, 1999. The Response to the Notice to File Missing Parts mail date December 6, 1999 was filed January 28, 2000 with the USPTO (see attached copy). The executed Small Entity Declaration was included in this response. Therefore, a request for refund in the amount of \$554.00 is requested (\$206.00 for fee code 101; \$78.00 for fee code 102 plus \$270.00 for fee code 103).

Applicant respectfully requests a credit to Deposit Account No.: 08-1275 in the amount of \$554.00, as this fee is now unwarranted.

Respectfully submitted
HAVERSTOCK & OWENS LLP

Dated: Feb. 1, 2000

By: Jonathan O. Owens
Jonathan O. Owens
Registration No.: 37,902

Attorneys for Applicant(s)

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington D.C. 20231

HAVERSTOCK & OWENS LLP.

Date: 2/1/00 By: Colleen O'Brien

Refund Completed
Infletcher
6/1/00



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

HAVERSTOCK & OWENS LLP
MARY GLYNN
260 SHERIDAN AVENUE SUITE 420
PALO ALTO CA 94306

FINA

Account No.
081275
Date
11-30-99
Page
1

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED		CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY						
11	4	99	1	08853046	148	110.00	411.00
11	5	99	242	60163121	114	75.00	336.00
11	5	99	244	60163116	114	75.00	261.00
11	5	99	248	60163120	114	75.00	186.00
11	15	99	37	PAYMENT	701	-3000.00	3186.00
11	17	99	5	09436432	101	206.00	2980.00
11	17	99	7	09436432	102	78.00	2902.00
11	17	99	8	09436432	103	270.00	2632.00
11	18	99	329	5930354	145	100.00	2532.00
11	23	99	101	09439982	704	-40.00	2572.00
11	26	99	4	60166670	114	75.00	2497.00
11	30	99	50	PAYMENT	701	-1500.00	3997.00
BY: DEC - - 1999 APPROVED							
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.		OPENING BALANCE 521.00		TOTAL CHARGES 1064.00		TOTAL CREDITS 4540.00	CLOSING BALANCE 3997.00

*** O.D. INDICATES OVERDRAWN

COPY

PATENT

Attorney Docket No.: ICOM-00600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl P. Daniel

Serial No.: 09/436,432

Filed: November 8, 1999

For: **SYSTEM FOR TRANSMITTING
VIDEO IMAGES OVER A
COMPUTER NETWORK TO A
REMOTE RECEIVER**

) Group Art Unit: 2711

)

) Examiner:

)

) **RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION**

)

) 260 Sheridan Avenue, Suite 420

) Palo Alto, CA 94306

) (650) 833-0160

Box Missing Part

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted (Form PTO-1533) mailed December 6, 1999 (a copy of which is enclosed), applicant submit the enclosed Declaration, Assignment including form PTO-1595 and Verified Statement Claiming Small Entity Status - Small Business Concern.

A check in the amount of \$105.00 is enclosed herewith to cover the \$65.00 surcharge for filing missing parts of an application plus \$40.00 Assignment recordation fee.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: Jan. 28, 2000

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents Washington D.C. 20231

Attorneys for Applicant(s)

- 1 -

HAVERSTOCK & OWENS LLP

Date: 1/28/00 By: SO

Applicant Or Patentee:
Serial or Patent No.:
Filed or Issued:
Entitled:
REMOTE RECEIVER

Carl P. Daniel

09/436,432

November 8, 1999

SYSTEM FOR TRANSMITTING VIDEO IMAGES OVER A COMPUTER NETWORK TO A

REMOTE RECEIVER

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR § 1.9(e)) - SMALL BUSINESS CONCERN

I hereby declare that I am

Xthe owner of the small business concern identified below:
an official of the small business concern empowered to act on behalf of the concern identified below:Name of Concern:
Address of Concern:IntraCom Corporation
1320 Harbor Bay Parkway, Suite 240
Alameda, CA 94502

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and is reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement: (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled SYSTEM FOR TRANSMITTING VIDEO IMAGES OVER A COMPUTER NETWORK TO A REMOTE RECEIVER by inventor(s) Carl P. Daniel as described in:

Xthe specification filed herewith
Application Serial No. 09/436,432, filed November 8, 1999

Patent No. , issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(e) or a nonprofit organization under 37 CFR § 1.9(g).

X

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention according to their status as small entities. (37 CFR § 1.27).

Full Name:

Address:

 Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1011 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:

JOHN DEKELLY

Title in Organization:

COO

Address of Person Signing:

1320 HARBOR BAY SUITE 240
ALAMEDA, CA 94502Dated: 1-28-00

Signature:

W. DeKelli

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM FOR TRANSMITTING VIDEO IMAGES OVER A COMPUTER NETWORK TO A REMOTE RECEIVER**. The specification of which was filed on November 8, 1999 as U.S. Patent Application Serial No. 09/436,432. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claim	
	Yes	No
Number	Country	Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:	

Application Serial No.	Filing Date	Status: Patented, Pending, Abandoned
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I hereby appoint the following as my attorneys with full power of substitution to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith:

Thomas B. Haverstock 32,571 Jonathan O. Owens 37,902

Please direct all correspondence regarding this application to the following:

Jonathan O. Owens
HAVERSTOCK & OWENS LLP
260 Sheridan Avenue, Suite 420
Palo Alto, California 94306

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Sole Inventor: Carl P. Daniel

Inventor's Signature: Carl P. Daniel

1-24-2000

Date

Residence: 1273 Downieville Drive, El Dorado Hills, CA 95762

Citizenship: United States

Post Office Address: 1273 Downieville Drive, El Dorado Hills, CA 95762

OMB No. 0651-0011 (Exp. 04/94)

Attorney Docket No.: ICOM-00600

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Carl P. Daniel		2. Name and address of receiving party(ies): IntraCom Corporation 1320 Harbor Bay Parkway, Suite 240 Alameda, CA 94502
— Additional name(s) of conveying party(ies) attached.		— Additional name(s) and address(es) attached.
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: _____		
Execution Date: <u>January 24, 2000</u>		
4. Application number(s) or patent number(s): — This document is being filed together with a new application, the execution date of the application is: <input checked="" type="checkbox"/> Patent Application Serial No.(s): <u>09/436,432</u> filed on <u>November 8, 1999</u> . — Patent No.(s): — Additional numbers attached.		
5. Name and address of party to whom correspondence concerning document should be mailed: Jonathan O. Owens HAVERSTOCK & OWENS LLP 260 Sheridan Avenue, Suite 420 Palo Alto, California 94306		6. Total number of applications and patents involved: <u>1</u> .
		7. Total fee(s) [37 CFR §§ 1.21(h) and 3.41]: <input checked="" type="checkbox"/> Check(s) in the amount of <u>\$105.00</u> (\$65.00 surcharge for missing parts fee plus \$40.00 assignment recordation) enclosed.
		8. Authorization to Charge Additional Fees: <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication and which may be required under 37 CFR §§ 1.21(h) and 3.41 to Deposit Account No. <u>08-1275</u> .
9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.		
Dated: <u>January 28, 2000</u>		Signature:  Name: <u>Jonathan O. Owens</u> Reg. No.: <u>37,902</u>
Total number of pages including cover sheet, attachments, and document: <u>2</u>		

ASSIGNMENT

WHEREAS, I, Carl P. Daniel, hereinafter referred to as "ASSIGNOR", have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: SYSTEM FOR TRANSMITTING VIDEO IMAGES OVER A COMPUTER NETWORK TO A REMOTE RECEIVER

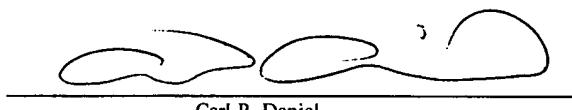
Date of Execution: January 24, 2000 Filing Date: November 8, 1999 Serial No.: 09/436,432

WHEREAS, IntraCom Corporation, a corporation of the State of Delaware, 1320 Harbor Bay Parkway, Suite 240, Alameda, CA 94502, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title and interest in said invention and application and in any Letters Patent which may be granted on the same;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged. Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said Assignee, and Assignee's successors and assigns, all right, title and interest in and to said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof, said interest to be held and enjoyed by said Assignee as fully and exclusively as it would have been held and enjoyed by said Assignors had this assignment and transfer not been made, to the full end and term of any Letters Patent.

Assignor further agrees that he will, without charge to said Assignee, but at Assignee's expense, cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has hereunto signed his name to this assignment on the date indicated below.



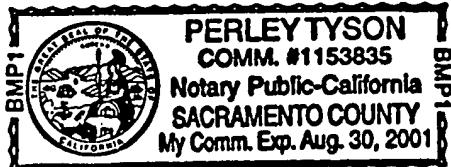
Carl P. Daniel

STATE OF California
COUNTY OF Sacramento

On 1-24-2000 before me, Perley Tyson
personally appeared Carl P. Daniel

personally known to me - OR proved to me on the basis of satisfactory evidence to be the person(s) whose names are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



SEAL



Signature of Notary Public